

THE HONORABLE MARY JO HESTON

Hearing Date: September 9, 2021

Hearing Time: 9:00 a.m.

Hearing Location: Tacoma

Response Date: September 7, 2021

Dorothy A. Bartholomew
WSBA No. 20887
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**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re:

CHAPTER 7

No. 21-40336

DEAN WILLIAM WALTON &
KELSEY LEA WALTON,

NOTICE OF HEARING AND MOTION FOR
AN ORDER CONVERTING CHAPTER 7
CASE TO CHAPTER 13

Debtors.

PLEASE NOTE that the Debtors' Motion for an Order Revoking Chapter 7 Discharge
and Converting Chapter Case to Chapter 13 IS SET FOR HEARING as follows:

JUDGE: **MARY JO HESTON**

TIME: **9:00 A.M.**

PLACE: **1717 PACIFIC AVENUE
COURTROOM H**

DATE: **SEPTEMBER 9, 2021**

IF YOU OPPOSE the Motion, you must file your written response with the Clerk of the
Court, serve two copies on the Judge's Chambers, and deliver copies to the undersigned and to
the Debtors not later than the Response Date, which is September 7, 2021.

MOTION TO CONVERT FROM
CHAPTER 7 TO CHAPTER 13
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IF NO RESPONSE IS FILED WITHIN THE TIME ALLOWED, the Court may in its discretion grant the Motion prior to the hearing without further notice and strike the hearing.

MOTION

Section 706(a) of the Bankruptcy Code provides that “a debtor may convert a case from chapter 7 to chapter 13 at any time, provided that the case had not previously been converted to chapter 7. “The intent of Congress was to give the debtor an "absolute right" to convert. *In re Estrada*, 224 B.R. 132, 136 (Bankr. S.D. Cal. 1998) (Citing, *In re Street*, 55 B.R. 763, 765 (9th Cir. BAP 1985)). Additionally, this section is based on the policy that debtors should be given the opportunity to repay their debts rather than go through a complete liquidation. *Estrada*, 224 B.R. at 136, (citing, *In re J.B. Lovell Corp.*, 876 F.2d 96, 97 (11th Cir. 1989)).

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The debtors desire to convert their Chapter 7 case to a case under chapter 13, the case has not previously been converted under §1307, and the debtors are qualified to be debtors in a Chapter 13.

DATED: August 2, 2021

/s/ Dorothy A. Bartholomew

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